

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jessica Russo	Team: Squad #11	CCRB Case #: 202005094	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 07/19/2020 5:07 PM	Location of Incident: [REDACTED]	Precinct: 113	18 Mo. SOL 1/19/2022	EO SOL 5/4/2022	
Date/Time CV Reported Sun, 07/19/2020 5:49 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sun, 07/19/2020 5:49 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Ryan Schmidt	28428	946229	113 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Nicholas Dasilva	10050	966015	113 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Ryan Schmidt	Off. Language: Police Officer Ryan Schmidt made remarks to § 87(2)(b) [REDACTED] based upon a perceived mental disability of § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On July 19, 2020, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System.

On July 19, 2020, at approximately 5:07 p.m., § 87(2)(b) received a call from an unknown phone number, shortly after he called in a wellness check for his § 87(2)(b) daughter. When § 87(2)(b) responded to the phone call, Police Officer Ryan Schmidt, of the 113th Precinct, introduced himself. PO Schmidt was working with Police Officer Nicholas Dasilva, of the 113th Precinct. During the phone call, PO Schmidt asked whether § 87(2)(b) called in a wellness check on that day, which § 87(2)(b) confirmed that he did. PO Schmidt proceeded to comment on § 87(2)(b) repeated calling for wellness checks, allegedly making multiple remarks regarding a perceived mental disability—including statements pertaining to him having mental issues and suggestions to obtain a psychiatric evaluation (**Allegation A: Offensive Language**, § 87(2)(g) § 87(2)(b) attempted to explain his custodial situation, offering to present documentation at the stationhouse; however, PO Schmidt allegedly told § 87(2)(b) that such was not necessary, after which PO Schmidt disconnected the phone call.

There were no summonses issued or arrests made as a result of this incident.

Findings and Recommendations

Allegation (A) Offensive Language: Police Officer Ryan Schmidt made remarks to § 87(2)(b) based upon a perceived mental disability of § 87(2)(b)

§ 87(2)(b) (BR01) testified that he received a phone call from PO Schmidt shortly after he called in a wellness check for his daughter, who was with her mother—§ 87(2)(b). PO Schmidt asked § 87(2)(b) if he had just called in a wellness check, which § 87(2)(b) confirmed. PO Schmidt commented on § 87(2)(b) repeated calling, allegedly stating that it sounded like § 87(2)(b) was emotionally disturbed and had mental issues. PO Schmidt informed § 87(2)(b) that he should file a harassment report against § 87(2)(b) for his repeated calling and suggested that he receive a psychiatric evaluation. § 87(2)(b) mentioned going to the stationhouse to provide his custody paperwork so that the officers can evaluate his mental condition then. After a brief dispute regarding PO Schmidt's authority to make a statement regarding § 87(2)(b) mental health, PO Schmidt told § 87(2)(b) that his visiting the stationhouse was not necessary, after which PO Schmidt disconnected the phone call.

PO Schmidt (BR02) testified that he is familiar with § 87(2)(b), as he makes repeated wellness check calls for his daughter—often multiple times a day. On July 19, 2020, PO Schmidt and his partner, PO Dasilva, conducted a wellness check that was called in by § 87(2)(b). PO Schmidt called § 87(2)(b) afterwards, while in their vehicle and resuming patrol, to inform him that the child was safe. PO Schmidt suggested that § 87(2)(b) create a paper trail to document the issues with his custody agreement—filing domestic incident reports and going to family court—rather than making repeated calls for wellness checks. § 87(2)(b) became very upset and began cursing at the officers about doing their jobs. PO Schmidt did not tell § 87(2)(b) that he would file a harassment report against him, but he may have informed § 87(2)(b) that § 87(2)(b) was documenting things to use against him in court. § 87(2)(b) continued screaming at PO Schmidt and eventually disconnected the call. PO Schmidt did not make any statements regarding § 87(2)(b) mental health, including him sounding like he was emotionally disturbed, had mental issues, or should get a psychiatric evaluation.

PO Dasilva's statement (BR03) is mostly consistent with PO Schmidt's testimony, except he did not recall PO Schmidt making any statements about a harassment report.

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)


Civilian and Officer CCRB Histories

- § 87(2)(b) § 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
- PO Schmidt has been a member of service for 13 years and has been a subject in two other CCRB complaints and two allegations, none of which have been substantiated (see officer history).

Mediation, Civil and Criminal Histories

- § 87(2)(b) § 87(2)(b) declined to mediate this complaint due to a fear of retaliation, despite the investigation's explanation of the ways our agency can aid in the event of retaliation.
- On June 3, 2021, the Office of the New York City Comptroller confirmed that § 87(2)(b) § 87(2)(b) has not filed a notice of claim regarding this incident (BR06).
- § 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Squad No.: 11

Investigator:		Investigator Jessica Russo	06/01/2021
	Signature	Print Title & Name	Date

Squad Leader:	Edwin Pena	IM Edwin Pena	06/02/21
	Signature	Print Title & Name	Date

Reviewer:			
	Signature	Print Title & Name	Date